

**FIFTY-SIXTH DAY**

(Thursday, May 5, 1955)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Willis
Martin	

**Absent**

Wagonseller

**Absent—Excused**

Strauss                      Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, we pray for a refined sense of true greatness. Aaron with his rod; David with his sling; Dorcas with her needle; backed by an omnipotent God; made kings tremble; routed armies; soothed the sorrowing; and became immortal. Make us big enough to see our littleness in Thy sight. For Christ's sake. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday were dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Strauss was granted leave of absence for today on account of important business on motion of Senator Fuller.

Senator Weinert was granted leave of absence for today on account of illness in the family on motion of Senator Lane.

**Reports of Standing Committees**

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 286, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 685, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 709, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 921, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 691, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 904, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 287, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 374, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed, but that Committee Substitute adopted in lieu thereof do pass and be printed.

HARDEMAN, Chairman.

C. S. H. B. No. 374 was read the first time.

Senator Shireman submitted the following report:

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 635, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIREMAN, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 263, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

LANE, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 318, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

LANE, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 724, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

LANE, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 736, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

LANE, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 899, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

LANE, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 918, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

LANE, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 9, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

LANE, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 48, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

LANE, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 53, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

LANE, Chairman.

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 56, have had the same under consideration, and we are in-

structed to report it back to the Senate with the recommendation that it do pass, and be printed.

LANE, Chairman.

Senator Kelley submitted the following report:

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 889, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

#### House Bill 685 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent, H. B. No. 685 was ordered not printed.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 44, A bill to be entitled "An Act to amend the subject matter embraced in subsection (d) of Section 5 of the Texas Unemployment Compensation Act, as amended (Section 3 of H. B. 417, Chapter 148, page 282, Acts of the 51st Legislature, Regular Session), providing that an individual shall be disqualified for unemployment compensation benefits for any benefit period where his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment or other premises (including a vessel) at which he is or was last employed, or because of a labor dispute at another place, either within or without this state, owned or operated by the same employing unit which owns or operates the premises at which he is or was last employed, and supplies materials or services necessary to the continued and usual

operation of the premises at which he is or was last employed; excepting, however, from such disqualification an unemployed claimant who shows that he is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and who does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage there were members employed at the premises (including a vessel) at which the labor dispute occurs any of whom are participating in or financing or directly interested in the dispute; providing for the repeal of all laws or parts of laws in conflict herewith, and declaring an emergency."

(With amendments.)

S. B. No. 85, A bill to be entitled "An Act exempting from taxation the property of organizations known as The American Legion or local organizations of or affiliated with The American Legion; and declaring an emergency."

(With amendments.)

S. B. No. 164, A bill to be entitled "An Act amending Sections 2(a), 2(c), 4, and 5 of Acts, 53rd Legislature, R. S., chapter 209, page 561, and being Article 6701c-1 of Vernon's Civil Statutes; and declaring an emergency."

(With amendments.)

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives.

#### Senate Concurrent Resolution 57 on First Reading

Senator Lane moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kelley
Ashley	Lane
Bracewell	Latimer
Colson	Lock
Corbin	Martin
Fly	McDonald
Fuller	Moffett
Hardeman	Moore
Kazen	Owen

Parkhouse	Rogers of Travis
Roberts	Secret
Rogers	Shireman
of Childress	Willis

Absent

Hazlewood	Ratliff
Phillips	Wagonseller

Absent—Excused

Strauss	Weinert
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The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 57, Granting Southern Gas Company permission to sue the State of Texas.

Whereas, Southern Gas Company is a Texas corporation, and has been doing business in Texas continuously since incorporation in 1940; and

Whereas, Southern Gas Company paid to the State of Texas gas gathering taxes beginning in the month of September, 1951, and continuing through the month of January, 1954, said taxes being levied by Section XXIII of House Bill No. 285, Chapter 102, page 740, Acts of the Fifty-second Legislature of the State of Texas which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert, et al., and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U.S. 157, 74 S. C. 396; and

Whereas, All of the taxes so paid by Southern Gas Company were paid under protest; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same it is the policy of the Legislature to let a

court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, by the House of Representatives of Texas with the Senate concurring, That Southern Gas Company be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Southern Gas Company under said unconstitutional law, and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and be it further

Resolved, That such suit may be filed within two (2) years from the effective date of this resolution; and, be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of liability on the part of the State or of any fact is made by this resolution.

To the Committee on Civil Jurisprudence.

#### Senate Concurrent Resolution 58

Senator Colson offered the following:

S. C. R. No. 58, Enrolling Clerk to make corrections in S. B. No. 273.

Whereas, Senate Bill 273 has passed both House and Senate and is now in the Senate Enrolling Room; and

Whereas, The effective date of this bill needs to be corrected; now be it

Resolved, By the Senate, the House concurring, that the Senate Enrolling Clerk be instructed to substitute the following for Section 4 as presently written: "This act shall become effective on September 1, 1955."

The resolution was read.

On motion of Senator Colson and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 59

Senator Parkhouse offered the following resolution:

S. C. R. No. 59, Enrolling Clerk to make certain corrections in S. B. No. 127 and S. B. No. 395.

Whereas, Senate Bill 127 and Senate Bill 395 have passed both houses and are now in the Senate Enrolling Room; and

Whereas, It is necessary to correct the effective date of these acts; therefore, be it

Resolved, That the Presiding Officers of the two houses be authorized to direct removal of their signatures from the enrolled copies of said bills and further that the Enrolling Clerk of the Senate be directed to add a new section to each bill, appropriately numbered to read as follows: "Sec. —. This Act shall take effect on September 1, 1955."

PARKHOUSE  
LATIMER

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 60

Senator Aikin offered the following resolution:

S. C. R. No. 60, Requesting Commissioner of Education to continue Committee for Study of Television for Schools.

Whereas, The Federal Communications Commission has reserved a large number of non-commercial television channels for educational use in this country and allocated eighteen of these to Texas; and

Whereas, Educators throughout the nation believe use of these television channels will provide unequalled opportunities for the furtherance of education for both young and old; and

Whereas, The 53rd Legislature through H. C. R. No. 5, approved by the Governor, evidenced its interest in having a competent group evaluate the potential of educational television for Texas; and

Whereas, Under the terms of said resolution Honorable J. W. Edgar, Commissioner of Education, was requested to appoint a Committee to act in an advisory capacity and to take whatever steps it deemed necessary to

assist in planning educational television developments in Texas; and

Whereas, That Committee was appointed and has been at work during the past fourteen months, with the result that there is now an increased interest and activity in the State looking toward the utilization of the State's non-commercial educational television channels; and

Whereas, It is essential that this group continue its work throughout the coming biennium; now, therefore, be it

Resolved, By the Senate, the House concurring, that the Commissioner of Education be and he is hereby requested to continue the Committee heretofore appointed by him, with the understanding that he shall have the authority to make any changes therein or additions thereto which may seem desirable.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Resolution 315

Senator Fuller offered the following resolution:

Whereas, We are honored today to have in the gallery the American History Class of Bishop Byrne High School of Jefferson County, Port Arthur, Texas, accompanied by Sister Marion, O.P., their teacher; and

Whereas, These students and guests are on an educational tour of the Capitol Building and of the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fuller by unanimous consent presented the students and the teacher to the Members of the Senate.

#### Bill and Resolution Signed

The President Pro Tempore of the

Senate signed in the presence of the Senate, after the captions had been read, the following enrolled bill and resolution:

S. B. No. 318, A bill to be entitled "An Act creating an additional District Court in Jefferson County, Texas, to be known as the District Court for the 136th Judicial District; providing the terms and jurisdiction for said court; providing for the appointment of a judge for said court; prescribing powers, duties, term of office and compensation; making necessary appropriations; providing for the employment of official court reporters of said court; prescribing his qualifications, duties and compensations; providing for the appointment, designation and compensation of other officers of the court; providing all processes, writs, recognizances and bonds heretofore issued, made, executed or returnable to existing terms of District Courts in Jefferson County are valid and returnable to the first term of the District Court for the 136th Judicial District after this Act takes effect; making other provisions relative to the business and functioning of the District Court of Jefferson County; providing the provisions of Article 52-160a of the Code of Criminal Procedure of the State of Texas shall be applicable to the District Courts of Jefferson County; providing severability clause; providing a repealing and cumulative clause; and declaring an emergency."

S. C. R. No. 55, Requesting the Governor to return S. B. No. 154 to the Senate for certain corrections.

#### Senate Concurrent Resolution 61

Senator Kelley offered the following resolution:

S. C. R. No. 61, Designating Public Schools Week for 1956.

Whereas, The observance of the fifth annual Public Schools Week in Texas, recently held from March 7 through March 12, 1955, was the most successful observance thus far held, and was received with greater interest and participation of parents, school patrons and citizens generally than any of the previous observances; and

Whereas, One of the most important and fundamental foundations of our government upon which we rely for the furtherance of our American ideals and for the perpetuation

of our Democracy is our public school system; and

Whereas, The Texas Legislature desires to express its belief that a sound, progressive system of education requires the active interest of all of our people, and that it is the privilege and likewise the duty of every citizen in the State to cooperate with their respective school board members, superintendents, principals and teachers in an effort to improve the public educational system throughout all sections of the State; and

Whereas, Every Texan has the opportunity and the right to attend our public schools and to acquire the necessary learning for making an honorable living, as well as an appreciation and understanding of the correspondent duties, obligations and rights of American citizenship; and

Whereas, The Texas State Board of Education, by resolution, has officially designated the week of March 5 through March 10, 1956, as Public Schools Week in Texas, and has urged every citizen to visit a public school during this period in order to become personally acquainted with the program and accomplishments of our educational system; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Legislature join with the Texas State Board of Education in designating the week of March 5-10, 1956, as Public Schools Week in Texas, and in urging every citizen to visit a public school during this period in order to become personally acquainted with the programs and accomplishments of our educational system.

KELLEY  
MOFFETT  
AIKIN

The resolution was read.

On motion of Senator Kelley, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 62 on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Owen
Fly	Parkhouse
Fuller	Ratliff
Hardeman	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Shireman
Lock	Willis

#### Absent

Hazlewood	Secrest
Phillips	Wagon seller

#### Absent—Excused

Strauss	Weinert
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The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 62, Granting Magnolia Petroleum Company permission to sue the State of Texas.

Whereas, Magnolia Petroleum Company is a Texas corporation with a permit to do business in the State of Texas, and has been doing business continuously in Texas since 1925; and

Whereas, The said Magnolia Petroleum Company paid to the State of Texas gas gathering taxes beginning in the month of September, 1951, and continuing through December, 1953, said taxes being levied by Section XXIII of House Bill No. 285, Chapter 402, page 740, Acts of the Fifty-second Legislature of the State of Texas which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert, et al., and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U. S. 157, 74 S. C. 396; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of

law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amounts of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, The Attorney General of this State is requested to have the questions of law involved finally settled in the Supreme Court of Texas; now, therefore, be it

Resolved, by the Senate of Texas with the House of Representatives concurring, That Magnolia Petroleum Company be, and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Magnolia Petroleum Company under said unconstitutional law and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and, be it further

Resolved, That such suit may be filed within two (2) years from the effective date of this resolution; and, be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of the liability on the part of the State or of any fact is made by this resolution; and, be it further

Resolved, That no interest shall be paid Magnolia Petroleum Company in the event a final judgment is obtained by it for recovery of taxes paid under House Bill No. 285, Fifty-second Legislature; provided if a final judgment is obtained by the Magnolia Petroleum Company all increases in rates obtained on the basis of taxes paid under House Bill No. 285, Regular Session, Fifty-second Legislature, shall be refunded in full to all those having paid such rate increase.

To the Committee on Civil Jurisprudence.

#### Senate Bill 433 on First Reading

Senator Moore, by unanimous consent, introduced the following local bill, which was read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 433, A bill to be entitled "An Act closing the deer season in Commissioners Precinct No. 4 of Burleson County for a period of five years; providing a penalty for violation of the Act; suspending conflicting laws; and declaring an emergency."

To the Committee on Game and Fish.

#### Senate Concurrent Resolution 63

Senator Fuller offered the following resolution:

S. C. R. No. 63, Commending V. F. Taylor and Naylor Publishing Company for book David Crockett.

Whereas, A new biography of a famous Alamo hero written by a native Texan, Honorable V. F. Taylor, a former Assistant Attorney General of Texas, has now been added to the rich literature of our great State; and

Whereas, This new book, DAVID CROCKETT, recently published by a Texas firm, The Naylor Company of San Antonio, vividly portrays one of the bravest of the brave, David Crockett, frontiersman, Indian fighter, politician, marksman, bear hunter, family man, dreamer of empires and martyr to freedom. A national figure whose popularity grows ever greater, he is brilliantly and truthfully sketched in this fine work, which culminates this hero in a spectacular panorama of the gory, incredible heroic last hours of the little band of men who died in the Alamo; now, therefore, be it

Resolved, That both Houses of the Legislature of Texas do hereby commend DAVID CROCKETT as a fine contribution to our Texas literature; further, that the author, Honorable V. F. Taylor, be commended for writing, and the publisher, The Naylor Company, for publishing this thrilling new biography of David Chockett; and be it further

Resolved, That a copy of this res-



olution be furnished to the author and to the publisher.

The resolution was read.

On motion of Senator Fuller, and by unanimous consent, the resolution was considered immediately, and was adopted.

#### Senate Resolution 317

Senator Corbin offered the following resolution:

Whereas, We are honored to have as visitors in the Capitol and the Senate, 38 students of Lubbock High School who are attending the Pan American Student Forum. These students of Spanish are accompanied by their sponsors: Mrs. Emmett Burford, Mrs. Robert F. Procter and Mr. C. E. Pfingster; and

Whereas, These students are to be commended for their interest in the study of Spanish and in the activities of the Pan American Student Forum; and

Whereas, It is the desire of the Senate to welcome these students to the Capitol and to the Senate; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Corbin, by unanimous consent, presented the students and sponsors to the Members of the Senate.

#### Senate Resolution 318

Senator Bracewell offered the following resolution:

Whereas, The Key Clubs of Milby High School and Stephen F. Austin High School in the City of Houston, Harris County, Texas, are visiting in the Senate today; and

Whereas, These young men are on an educational tour of the State Capitol; and

Whereas, Both of these Key Clubs are composed of outstanding young men in their respective high schools who are interested in learning more of their government in order to better equip themselves for future citizenship; and, now, therefore, be it

Resolved, by the Senate of the State of Texas, That this body acknowledge

the presence of the Key Club of Milby High School and the Key Club of Stephen F. Austin High School in the City of Houston, and welcome these young men, together with their sponsors as guests of the Senate today.

The resolution was read and was adopted.

Senator Bracewell, by unanimous consent, presented the students and sponsors to the Members of the Senate.

#### Senate Bill 434 on First Reading

Senator Rogers of Childress moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Willis
Martin	

#### Nays—1

Parkhouse

#### Absent

Hazlewood      Wagonseller

#### Absent—Excused

Strauss      Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Rogers of Childress:

S. B. No. 434, A bill to be entitled "An Act providing for the establishment of standards of quality in marketing of eggs, for the grading of eggs, that the Commissioner of Agriculture be designated the official responsible for establishing and enforcing

or the regulations, authorizing an inspection fee for penalties and violations of regulations and providing for certain exemptions."

To Committee on Agricultural Affairs.

#### Senate Bill 164 with House Amendments

Senator Hardeman called S. B. No. 164 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 224 with House Amendments

Senator Parkhouse called S. B. No. 224 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Secrest
Lock	

#### Absent

Hazlewood	Wagonseller
Owen	Willis
Shireman	

#### Absent—Excused

Strauss	Weinert
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#### Senate Bill 44 with House Amendments

Senator Parkhouse called S. B. No. 44 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

(President in the Chair.)

#### Senate Bill 172 with House Amendments

Senator Rogers of Childress called S. B. No. 172 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Rogers of Childress moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Kelley	Rogers
Lane	of Childress
Latimer	Rogers of Travis
Lock	Secrest
Martin	Shireman

#### Absent

Hazlewood	Wagonseller
Kazen	Willis

#### Absent—Excused

Strauss	Weinert
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### Senate Bill 85 with House Amendments

Senator Rogers of Childress called S. B. No. 85 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Rogers of Childress moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Secrest
Lock	Shireman

#### Absent

Hazlewood	Wagonseller
Owen	Willis

#### Absent—Excused

Strauss	Weinert
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### Senate Bill 347 with House Amendments

Senator Martin called S. B. No. 347 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Fuller
Ashley	Hardeman
Bracewell	Hazlewood
Colson	Kazen
Corbin	Kelley
Fly	Lane

Latimer  
Lock  
Martin  
McDonald  
Moffett  
Moore  
Owen  
Parkhouse  
Phillips

Ratliff  
Roberts  
Rogers  
of Childress  
Rogers of Travis  
Secrest  
Shireman  
Willis

#### Absent

Wagonseller

#### Absent—Excused

Strauss                      Weinert

### Conference Committee Report on House Bill 85

Senator Moore submitted the following Conference Committee report on H. B. 85:

The Hon. Ben Ramsey, President of the Senate.

The Hon. Jim Lindsey, Speaker of the House of Representatives.

Sirs: We, your Conference Committee to adjust the differences between the Senate and the House of Representatives on House Bill 85, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MOORE  
KELLEY  
CORBIN  
HARDEMAN

On the part of the Senate.

YEZAK  
BRYAN  
CHAPMAN  
REEVES

On the part of the House.

H. B. No. 85:

### A BILL TO BE ENTITLED

"An Act amending Subsection 1(b) of Section 8, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, as amended, relating to the speed of vehicles on highways; defining certain additional terms; changing the prima facie lawful speed limits for certain classes of vehicles operated under certain conditions; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection 1(b) of Section 8, Chapter 42, Acts of the Forty-first Legislature, Second Called Session, as re-enacted and amended in Chapter 346, Acts of the Fifty-second Legislature (which is codified under Section 8 of Article 827a in Vernon's Texas Penal Code) is hereby amended to read as follows:

"(b) Where no special hazard exists that requires lower speed for compliance with Subsection 1 (a) of this Section, the speed of any vehicle not in excess of the limits specified in this Subsection or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this Subsection or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

"(1) Thirty (30) miles per hour in any business or residence district for all vehicles.

"(2) Sixty-five (65) miles per hour during the daytime and fifty-five (55) miles per hour during the nighttime in locations other than business or residence districts for all vehicles except commercial vehicles, light commercial vehicles, truck-tractors, trailers, or semi-trailers as defined in this Act and all motor vehicles engaged in this State in the business of transporting passengers for compensation or hire.

"(3) Sixty (60) miles per hour during the daytime and fifty-five (55) miles per hour during the nighttime in locations other than business or residence districts for light commercial vehicles.

"(4) Forty-five (45) miles per hour at all hours in locations other than business or residence districts for commercial vehicles except commercial vehicles which are in authorized use as 'Highway Post Office' vehicles, and for truck-tractors, trailers, or semi-trailers, as defined in this Act.

"(5) Fifty-five (55) miles per hour at all hours in locations other than business or residence districts for any motor vehicle engaged in this State in the business of transporting passengers for compensation or hire or for any commercial vehicle which is in authorized use as a 'Highway Post Office' vehicle for furnishing highway post office service in transportation of United States mail.

"(6) Seventy (70) miles per hour at all hours on open separated flow highways for all vehicles except commercial vehicles, light commercial ve-

hicles, truck-tractors, trailers, or semi-trailers and all motor vehicles engaged in this State in the business of transporting passengers for compensation or hire.

"As used in this Subsection only, 'light commercial vehicle' means any motor vehicle other than a motorcycle designed for the transportation of property not to exceed fifteen hundred (1500) pounds, and 'commercial vehicle' means any commercial motor vehicle as defined in Section 1 of this Act other than a light commercial vehicle. The term 'light commercial vehicle' is intended to include those vehicles commonly known as pickup trucks, panel delivery trucks, carry-all trucks, and passenger vehicles used for delivery purposes.

"'Daytime' as used in this Act shall mean from a half ( $\frac{1}{2}$ ) hour before sunrise to a half ( $\frac{1}{2}$ ) hour after sunset. 'Nighttime' means at any other hour.

"'Business District' means the territory contiguous to and including a roadway when within any six hundred (600) feet along such roadway there are buildings in use for business or industrial purposes which occupy three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the roadway.

"'Residence District' means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

"'Open separated flow highway' as used in this Section means that portion of a highway system composed of two (2) pavements, each at least two lanes in width, which are separated by a parkway or curbing, which portion is located outside the corporate limits of any city, town or village and outside any business or residence district (as defined in this Section).

"The prima facie speed limits as set forth in this Subsection may be altered as authorized in Subsections 2 and 3."

Sec. 2. The fact that the present law places an unreasonable limitation on the speed of pickup trucks and

other light delivery vehicles creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee report was read and was adopted.

#### Presentation of Guests

Senator Rogers of Travis, by unanimous consent, presented students of the Bastrop High School and teachers, Mr. Johnny Mercer and Arthur Grimes, to the Members of the Senate.

#### Presentation of Guests

Senator Rogers of Travis, by unanimous consent, presented students of the Civics Class of William B. Travis High School of Austin to the Members of the Senate.

#### Senate Resolution 319

Senator Corbin offered the following resolution:

Whereas, We are honored today to have in the gallery the track team of Andrews High School, Andrews, Texas, accompanied by Mr. Max Goldsmith, Mr. Forrest Scott, Mr. D. L. Dorland; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Corbin, by unanimous consent, presented the students and sponsors to the Members of the Senate.

#### House Bill 101 on Second Reading

On motion of Senator Bracewell and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 101, A bill to be entitled "An Act amending Section 1, Acts of the 44th Legislature, Chapter 39, Page 111, being also known as Section 1 of Article 4639a of Vernon's Revised Civil Statutes of Texas, 1925; prescribing contents of petitions and cross-petitions for divorce; requiring disposition and provision for children under certain ages in any divorce case or subsequent proceeding; providing for testimony by parents; authorizing appointment of next friend to investigate concerning children, and allowing a fee therefor; providing for continuance of case in behalf of children; authorizing enforcement of court orders by contempt proceedings after notice; providing for venue of orders affecting children on application after notice; containing a severability clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read the second time.

Senator Bracewell offered the following amendment to the bill:

Amend House Bill 101 by striking out the last two (2) sentences of Section 1 on page 2 of the printed bill beginning at line 21 and substituting in lieu thereof the following:

"Venue for such suit must be in the court which originally granted the divorce, and no other court shall have jurisdiction or venue to hear and determine such suit, except as provided herein. The respondent, if she be the divorced wife, then having custody of the minor children, may move the court of original jurisdiction to transfer the suit to the District Court of her residence and the court originally granting the divorce shall so order the cause transferred to that court; but in all other cases the respondent may move the court originally granting the divorce to transfer the case to the county of his or her residence and the court originally granting the divorce may so order a transfer to the residence of the respondent if in the opinion of the court a hardship would be avoided."

The amendment was read.

Senator Fuller offered the following amendment to the amendment:

Amend floor Amendment No. 1 by striking out the word "shall" in line ten and substitute the word "may."

On motion of Senator Bracewell the amendment to the amendment was tabled.

Question recurring on the amendment by Senator Bracewell, the amendment failed of adoption by the following vote:

**Yeas—13**

Aikin	McDonald
Ashley	Moffett
Bracewell	Parkhouse
Hazlewood	Phillips
Lane	Shireman
Latimer	Willis
Lock	

**Nays—14**

Corbin	Owen
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Martin	Secrest
Moore	

**Absent**

Colson	Wagonseller
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**Absent—Excused**

Strauss	Weinert
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On motion of Senator Bracewell and by unanimous consent, H. B. No. 101 was laid on the table subject to call.

**Senate Resolution 320**

Senator Fly offered the following resolution:

Whereas, We are honored today to have in the gallery four Explorers of Boy Scout Troop No. 243 of Cuero, Texas, accompanied by their Scoutmaster, Mr. Charles L. Bodden; and

Whereas, These Scouts and their leader are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recog-

nize and welcome this group and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fly, by unanimous consent, presented the Scouts and Mr. Bodden to the Members of the Senate.

**House Resolution 106 on First Reading**

The following resolution, received from the House, was read the first time and was referred to the committee indicated:

H. C. R. No. 106, To Committee on Counties and County Boundaries.

**Reports of Standing Committees**

Senator Fly, by unanimous consent, submitted the following report:

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. C. R. No. 106, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman

Senator Moffett, by unanimous consent, submitted the following report:

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B. No. 434, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

**Senate Resolution 321**

Senator Moore offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mr. Willis Apple, superintendent, and

Mrs. Willis Apple, and Mrs. Felix Reynolds, class sponsor; and senior class of Aledo High School, Aledo, Texas; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized, and that they be extended the official welcome of the Senate.

WAGONSELLER  
MOORE

The resolution was read and was adopted.

Senator Moore, by unanimous consent, presented the students and teachers to the Members of the Senate.

**House Concurrent Resolution 106  
Ordered Not Printed**

On motion of Senator Lane, and by unanimous consent, H. C. R. No. 106 was ordered not printed.

**Senate Resolution 322**

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of Santa Anna High High School, Santa Anna, Texas, accompanied by Mr. R. K. Green, Mrs. Earl McQueen and Mr. Page Mays; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Hardeman, by unanimous consent, presented the students and sponsors to the Members of the Senate.

**Conference Committee on  
House Bill 683**

Senator Secrest called from the President's table for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 683 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Fly, Rogers of Travis, Martin, Moore and Secrest.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
May 5, 1955.

Hon Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 148, Requesting Governor to return H. B. No. 632 to the House of Representatives for correction.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Conference Committee on  
Senate Bill 385**

The President announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 385: Senators Lock, Lane, Martin, Aikin and Kazen.

**Conference Committee on  
Senate Bill 44**

The President announced the appointment of the following as a Conference Committee on the part of the Senate on S. B. No. 44: Senators Parkhouse, Kelley, Latimer, Ratliff and Secrest.

**House Bills on First Reading**

The following bills received from the House were read first time and were referred to the committees indicated:

H. B. No. 877, To the Committee on

Water Rights, Irrigation and Drainage.

H. B. No. 215, To the Committee on State Affairs.

H. B. No. 53, To the Committee on State Affairs.

#### Report of Standing Committee

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 57, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

LANE, Chairman.

Senator Shireman, by unanimous consent, submitted the following report:

Austin, Texas.  
May 5, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 433, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIREMAN, Chairman.

#### House Concurrent Resolution 106 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 106, Setting aside Mud Island, Brazoria County, Texas, as a State Park.

The resolution was read second time and was adopted.

#### House Concurrent Resolution 77 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 77, Granting Evelyn Hornsby Mims, and J. L. Mims permission to sue the Veterans Land

Board of the State of Texas and the State of Texas.

The resolution was read second time and was adopted.

#### House Joint Resolution 9 on Second Reading

Senator Fuller asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 9 for consideration at this time.

There was objection.

Senator Fuller then moved to suspend the regular order of business and take up H. J. R. No. 9 for consideration at this time.

The motion prevailed by the following vote

#### Yeas—20

Aikin	Moffett
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Latimer	Willis
Lock	

#### Nays—7

Hardeman	McDonald
Kelley	Ratliff
Lane	Shireman
Martin	

#### Absent

Moore	Wagonseller
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#### Absent—Excused

Strauss	Weinert
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The President laid before the Senate on its second reading and passage to third reading the following resolution:

H. J. R. No. 9, Proposing an amendment to Section 11 of Article I of the Constitution of the State of Texas by adding a new subsection to be designated as Section 11a, providing that a court, judge or magistrate may deny bond to a person charged with a felony who has been convicted of two (2) previous felonies; providing for the submission of the proposed amendment to a vote of the people



and for proclamation and publication thereof.

The resolution was read the second time.

(President Pro Tempore in the Chair.)

Senator Lane offered the following amendment to the resolution:

Amend H. J. R. No. 9 by striking out the period at the end of the first sentence in "Section 11a" thereof and placing a comma there and adding the following words "provided, however, that bail shall not be denied upon the accusation alone, but only after evidence has been introduced which substantially shows the guilt of the accused."

The amendment to the resolution was adopted.

(President in the Chair.)

Senator Hardeman offered the following amendment to the resolution:

Amend H. J. R. 9 by adding at the end of Sec. 1 the following:

"Such accused person shall be given a trial within 60 days from the time the charge is filed unless a continuance or continuances is granted in accordance with law."

The amendment was read.

Question—Shall the amendment by Senator Hardeman to H. J. R. No. 9 be adopted?

#### Adjournment

On motion of Senator Hardeman the Senate at 12:28 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

**In Memory of**  
**J. Phil McGee**

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Senator Willis offered the following resolution:

(Senate Resolution 314)

Whereas, The Supreme Master of the Universe, in His divine wisdom saw fit to call from his earthly labors J. Phil McGee who was killed January 26, 1955, in a car wreck near Jacksboro, Texas; and

Whereas, This fine young man was born July 28, 1932, in Fort Worth, Texas, where he attended Hubbard Elementary School, E. M. Daggett Junior High School, and Paschal High School from which he was graduated on May 29, 1950. Phil also attended Arlington State College where he received his Diploma as an Associate in Science in 1952, and then enrolled in Texas Technological College where he was a Senior at the time of his death; and

Whereas, Phil was a member of Pi Kappa Alpha Fraternity, a First Lieutenant of the National Society of Scabbard and Blade, and received a gold medal from the Armed Forces Communication Association of Washington, D. C., as the outstanding senior R.O.T.C. Cadet of Texas Technological College for the academic year 1953-54; and

Whereas, This outstanding young man represented the electrical engineering department on the Student Council, was a Wing Advisor of Bledsoe Hall Dormitory at Texas Technological College and was loved and respected by both young and old alike; and

Whereas, Phil embodied during his life all of those fine and Christian ideals exemplified by the typical American boy. He was a member of Travis Avenue Baptist Church in Fort Worth, Texas; and

Whereas, He is survived by his father and mother, Mr. and Mrs. Sam McGee, and sister, Mary Kathryn, of Fort Worth, Texas; now, therefore, be it

Resolved, That as an expression of our sympathy and as a tribute to the splendid character of this fine young man, an enrolled copy of this resolution be mailed to the surviving members of the family; and be it further

Resolved, That a page be set aside in the Senate Journal in his memory; and that when the Senate of Texas adjourns today, it do so in honor of J. Phil McGee.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

**Mrs. Mary Alice Hanmer Malloy**

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Senator Fuller offered the following resolution:

(Senate Resolution 316)

Whereas, On the 13th day of March, 1955, Mrs. Mary Alice Hanmer Malloy was called to her heavenly reward; and

Whereas, She was born in New Orleans, Louisiana, on December 8, 1887, and in 1939 she moved to Orange, Texas, where she remained the remainder of her life. She was married to Ed T. Malloy who is now President of the Livingston Shipbuilding Company; and

Whereas, She was a faithful and devout member of the Catholic Church and an active participant in the functions of St. Mary's Church of Orange, Texas; and she was active in many worthwhile civic and community organizations and charities; and

Whereas, She filled all the years allotted to her with a devoted service to her family, to her friends, and to her community, being at all times ready and willing to help her fellow man, when needed; and

Whereas, It is the desire of the Senate of Texas to recognize and pay tribute to the memory of Mrs. Malloy and to express sympathy to her family; now, therefore, be it

Resolved, By the Senate of Texas, that the loss of this esteemed citizen and civic leader is a loss to her community and to the entire State; and that a copy of this resolution be sent to her husband as a tribute to her; and be it further

Resolved, That when the Senate adjourns today, it do so in respect to the memory of Mrs. Mary Alice Hanmer Malloy.

The resolution was read and was adopted by a rising vote of the Senate.